

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5391

IN THE MATTER OF:

Served August 7, 1998

Application of LAIDLAW TRANSIT)	Case No. AP-98-33
SERVICES, INC., Trading as)	
METROACCESS, for a Certificate)	
of Authority -- Irregular Route)	
Operations)	

By application accepted for filing July 23, 1998, Laidlaw Transit Services, Inc., a Delaware corporation trading as MetroAccess, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

Applicant proposes commencing operations with twenty vans and six sedans. Applicant's proposed tariff contains an hourly rate for transportation under a proposed contract with the Washington Metropolitan Area Transit Authority.

Applicant is controlled by Laidlaw Transit, Inc., WMATC Carrier No. 100. The Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of a carrier that operates in the Metropolitan District, through ownership of its stock or other means.¹ Approval may be granted if the Commission finds the acquisition is consistent with the public interest.² The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.³ Applicant will be directed to file a statement addressing the effect approval of this application will have on competition and on the employees of Laidlaw Transit, Inc.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

¹ Compact, tit. II, art. XII, § 3(a)(iii).

² Compact, tit. II, art. XII, § 3(c).

³ DC Code Ann. § 1-2414 (1992); In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

THEREFORE, IT IS ORDERED:

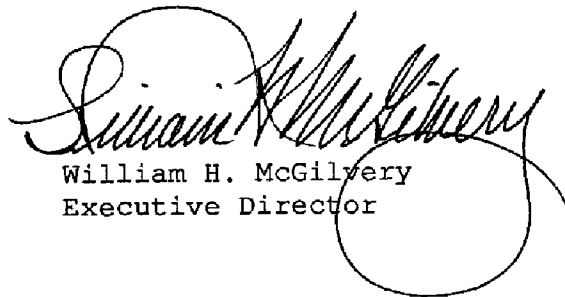
1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than August 18, 1998, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than September 8, 1998, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than August 18, 1998, an original and four copies of a statement addressing the effect approval of this application will have on competition and on the employees of Laidlaw Transit, Inc.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is September 8, 1998, and that copies must be served on applicant's District Manager, Ed Spurlark, 1010 Wayne Avenue, Suite 510, Silver Spring, MD 20910.

FOR THE COMMISSION:



William H. McGilvery
Executive Director